

STEERING, LEGISLATIVE & GOVERNMENTAL COMMITTEE

April 1, 2013

5:30 p.m.

Courthouse

MINUTES:

MEMBERS PRESENT:

Commissioner Jack Black
Commissioner Gary Farley
Commissioner Trey Gooch
Commissioner Jeff Jordan
Commissioner Allen McAdoo
Commissioner Steve Sandlin
Commissioner Adam Coggin, C

OTHERS PRESENT:

Ernest Burgess
Robert Arnold
Keith Bratcher
Josh McCreary
Steve Schroeder
Marie Williams
Sonya Stephenson
Buddy Jordan
Cindy Wells
Albert Nelson
Angela Cotter
Tim Rudd
John Barbee
Becky Shelton

Chairman Coggin presided and called the meeting to order at 5:30 p.m. with six members being present at that time.

MINUTES:

"Commissioner Gooch moved, seconded by Commissioner Farley, to approve the minutes of the last meeting as mailed. This motion passed unanimously by acclamation."

FILL VACANCY ON EQUALIZATION BOARD:

Chairman Coggin advised applications had been received from Tim Rudd, Edward L. Jordan, III, Marie L. Williams, John L. Barbee, Albert Nelson and Robert E. Francis for the unexpired position of Laughlin Youree on the Equalization Board which expires April, 2014. The applicants in attendance addressed the Committee. Following discussion,

"Commissioner Farley moved, seconded by Commissioner Gooch, to nominate all and vote for one."

Commissioner J. Jordan ask if there were a tie how it would be handled. Chairman Coggin suggested if it were a tie between two applicants they would both be sent to the Commission. If the vote was 2-2-1-1 then the applicants receiving only one vote would be dropped and the applicants each receiving two votes would be voted on again by the Committee.

"Commissioner J. Jordan moved, seconded by Commissioner Farley, that if the vote was a tie for two applicants they would both be sent to the Commission and if the vote was 2-2-1-1 then the applicants receiving one vote each would be dropped and the Committee would vote again on the applicants receiving two votes each. This motion passed unanimously by acclamation."

"Tim Rudd will be recommended for appointment to the Equalization Board to fill the unexpired position of Laughlin Youree to expire April, 2014 with Commissioners Black, Gooch and McAdoo voting for Rudd; Commissioners Farley and Coggin voting for Barbee and Commissioner J. Jordan voting for Jordan."

ANNOUNCE THREE VACANCIES ON EMERGENCY COMMUNICATIONS DISTRICT BOARD:

Chairman Coggin advised the terms of the Mayors of Smyrna, LaVergne and Eagleville or their representatives on the Emergency Communications District Board were expiring and accordingly being announced.

HR BUDGET:

Sonya Stephenson presented her proposed HR 13/14 budget for consideration advising lines she has control over are reduced 36% compared to last year's budget. Including payroll and benefits the budget is approximately 10% less than last year. Following discussion,

"Commissioner Farley moved, seconded by Commissioner J. Jordan, to approve the HR budget as presented and forward the same to the Budget Committee. This motion passed unanimously by acclamation."

Ms. Stephenson advised she will propose to the Budget Committee implementation of the rest of the suggested changes from last year including increasing pay grades from 14 to 56 and indexing the pay grades by 3% which will also help employees who have topped out. Mayor Burgess advised all budgets reviewed to date have only had the step increase without the HR Director's recommendations included.

OTHER BUSINESS:

Commissioner Black next addressed the Committee regarding dishonesty not applying to the Ethics Committee and provided information from the Knox County Code of Ethics policy. Commissioner Black thought the paragraph entitled "Disclosure or use of certain information. No public officer or county employee shall disclose or use information not available to members of the general public and gained by reason of his or her official position for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity. No public official may mislead or purposely be dishonest in direction of duty or law." should be included in the Rutherford County Code of Ethics policy due to an employee talking to a business about acquiring the County landfill which he admitted doing at the Ethics Committee. The Committee was advised Planning Commission and Board of Zoning Appeal members are not employees but are officials of the County.

Josh McCreary, representing the County Attorney's Office, advised matters come before the Ethics Committee to vote on if someone had a personal financial interest or if someone in their household had a financial interest but each situation is different. Commissioner Gooch stated remedies are with the employee's supervisor and questioned if discipline should be with the Ethics Committee. Mr. McCreary advised the State statute requires an ethics policy and the County could have drafted its own or used the CTAS model policy. Rutherford County elected to use the CTAS model policy. T.C.A. 8-17-102(a)(3) sets limitations and does not permit personnel policies and decision making. If the County's ethics policy is changed it would have to be sent to the State and they keep it on file. The State does not have to approve the policy but it keeps it on file. Mr. McCreary advised as he understood the statute it does not permit personnel or employee issues in the Code of Ethics. Commissioner Black advised he wanted dishonesty covered in the ethics policy as currently it only covers monetary gain.

Mayor Burgess read sections from the Employee Handbook including Code of Ethics, Conflicts of Interest and Corrective Action which includes warnings up to termination. Commissioner Farley advised the Code of Ethics in the Employee Handbook covered the situation. Mayor Burgess advised the State statute prohibits mixing personnel issues with the Code of Ethics.

Chairman Coggin advised the Code of Ethics is not talking about dishonesty but more toward disclosing confidential information and the policy came out of the Tennessee Waltz situation. The Ethics Committee could refer any matter to the supervisor of the offending employee. Commissioner Farley advised in personnel issues he finds it best to involve the HR Director and legal counsel to handle any matter properly and make recommendations up through the chain of command. Commissioner Gooch advised legislature has no business disciplining employees in the public domain. Commissioner Sandlin advised the Steering Committee sent Commissioner Black to the Ethics Committee with the matter. Chairman Coggin advised the Ethics Committee is appropriate to hear the matter. Ms. Stephenson advised matters can be handled by sending them to the department head, director, etc., can call the Fraud Abuse hotline or the Ethics Committee. Commissioner Farley ask if there was any process past the Ethics Committee and Mr. McCreary advised there is no appeal process.

Commissioner J. Jordan ask if the County was uncovered and any suggestions with Mr. McCreary advising nothing was an apparent uncover. The policy enacted was limited in scope but the policy complies with State law. However, things come up that are not covered. Commissioner Farley advised the County had a process in place. Mr. McCreary advised the Code of Ethics only deals with voting or control over a contract with a personal interest or letting of a contract. Unless an employee is voting on a contract then it is not under the Code of Ethics and the statue says the Code of Ethics cannot cover personnel issues. Ms. Stephenson advised a statement could be a misstatement versus a blatant lie or a misunderstanding of a question. Commissioner J. Jordan agreed this was a gray area and can be a problem. Commissioner McAdoo advised if a person doesn't like the Committee decision they always have legal recourse.

"Commissioner Black moved, seconded by Commissioner Sandlin, to have the County Attorney look at the issue of dishonesty to put something in the Code of Ethics policy specifically considering "Disclosure or use of certain information. No public officer or county employee shall disclose or use information not available to members of the general public and gained by reason of his or her official position for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity. No public official may mislead or purposely be dishonest in direction of duty or law.". This motion passed unanimously by acclamation."

Mr. McCreary advised at the end of the policy there are references to statutes and one is similar to the suggested language.

Commissioner J. Jordan next advised the Committee of Mayors' Walks each Saturday in April.

There appearing to be no further business to come before the Committee, Chairman Coggin declared the meeting adjourned at 6:48 p.m.

ADAM COGGIN, Chairman